

## THE CITY OF CLAYTON

Board of Aldermen Meeting  
Council Chambers - 10 N. Bemiston Avenue  
September 13, 2011  
7:00 p.m.

### Minutes

Mayor Goldstein called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Steve Lichtenfeld, Judy Goodman, Michelle Harris, Andrea Maddox-Dallas, Cynthia Garnholz, and Mark Winings

Mayor Goldstein  
City Manager Owens  
City Attorney O'Keefe

Mayor Goldstein asked for any questions or comments relating to the August 23, 2011 minutes, which were previously provided to the Board.

**Alderman Lichtenfeld moved to approve the August 23, 2011 minutes. Alderman Goodman seconded the motion.**

**The motion passed unanimously on a voice vote.**

Mayor Goldstein presented a proclamation recognizing September 17-23, 2011 as Constitution Week.

### **PUBLIC REQUESTS AND PETITIONS**

Mr. Kurt Becker, Shop Steward, Clayton Fire Department, IAFF Local 2665, addressed the Board with his concerns of approval of the FY2012 Budget that does not include raises for tenured employees. He stressed the impact of the Board's decision and its effects on the employees' morale. He proposed that the Board consider granting a one-time non-base building raises of 2.8% to the employees who are at the top of their pay scales.

### A PUBLIC HEARING AND RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT FOR A PERSONAL TRAINING FACILITY LOCATED AT 139 CARONDELET PLAZA (THE CRESCENT)

**Alderman Lichtenfeld moved that the Board open the public hearing with regard to Resolution No. 11-32, a request for a Conditional Use Permit for 139 Carondelet Avenue to operate a personal training facility and request proof of publication. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

City Manager Owens reported that this is a public hearing and subsequent resolution granting a conditional use permit to operate a personal training facility to be known as Red Fitness Lounge in the commercial tenant space of formerly occupied by Valerie Mills Fine Apparel.

On August 4, 2011, Mark S. Mehlman, owner of The Crescent, requested a conditional use permit on behalf of Jamie Mushlin, business owner, to operate a personal training studio. This property is zoned Planned Unit Development (PUD) with a base zoning of High Density Commercial (HDC which allows health clubs as conditional uses.

The 1,460 square feet studio will offer one-on-one and small group sessions and feature the latest low impact training equipment. Minor interior renovations will include a massage room and changing room. The applicant will retain the one restroom that is already in place. Clients will access the business through the front and rear entrance doors. Trash will be stored in the shared dumpster enclosure in the garage/dock area.

The proposed hours of operation are Monday through Friday 7:00 AM to 7:00 PM and Saturday from 7:00 AM to 11:00 AM, by appointment only.

Parking will be provided in The Crescent's garage.

The Plan Commission considered this request at its August 15, 2011 meeting and voted to recommend approval.

Recommendation is to approve a Conditional Use Permit for the operation of Red Fitness Lounge at 139 Carondelet Plaza.

In response to the Board's questions, Mr. Jamie Mushlin, owner, addressed the Board stating that the fitness center will have an upscale atmosphere with a lounge and computer access. He added that the services will also include health, fitness and beauty tips. He said that they plan to have three to four trainers, personal training will be provided and to make membership affordable two to three clients will share an hour with a trainer. Mr. Mushlin added that he was the former owner in SWEAT fitness, but sold the business about a month ago. He said that Monica Adams, a Channel 2 news anchor is coming on board with his new concept and will offer education to all clients ranging from age 11 to 78. He said that they are planning on opening within two to three weeks.

**Alderman Lichtenfeld moved that the Board close the public hearing with regard to Resolution No. 11-32, a request for a Conditional Use Permit for 139 Carondelet Avenue to operate a personal training facility. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld moved to approve Resolution No. 11-32, and grant a Conditional Use Permit for 139 Carondelet Avenue (155 Carondelet – The Crescent). Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**A PUBLIC HEARING AND ORDINANCE TO CONSIDER AMENDMENTS TO THE ZONING REGULATIONS (CHAPTER 405) TO ESTABLISH A DEFINITION FOR WINE BAR AND TO ALLOW WINE BARS IN CERTAIN COMMERCIAL ZONING DISTRICTS BY CONDITIONAL USE APPROVAL**

**Alderman Lichtenfeld moved that the Board open the public hearing with regard to Bill No. 6278, an ordinance to consider amendments to the Zoning Regulations (Chapter 405) to establish a definition for wine bar and to allow wine bars in certain commercial zoning districts by conditional use approval and request proof of publication. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

City Manager Owens reported that this is a public hearing and a subsequent ordinance to consider revising Chapter 405 of the Clayton Code of Ordinances to incorporate a definition for a new land use category to be known as "Wine Bar" into the zoning regulations and to allow wine bars in the C-1, C-2, HDC and S-1 zoning districts. The Board of Aldermen will also be considering a concurrent ordinance proposed to modify Chapter 600: *Alcoholic Beverages* to address licensure and operational regulation of this use.

The text amendment will allow a business which is restricted to a limited class of alcoholic beverage sales (wine, beer and non-alcoholic drinks) to be located in the City's commercial zoning districts. The commercial zoning districts already allow hospitality types of businesses (restaurants, hotels, etc.) and the proposed new land use for wine bars will address a niche market believed not to be adequately served in the City of Clayton. Wine bars will be limited to no more than 1,500 gross square feet in size and at least 20% of the total revenue from the premises for which the license is issued must be realized from the sale of food consumed on the premises. Additionally, because by definition wine bars are a type of restaurant, the business owner would be allowed to offer outdoor dining/seating pursuant to the current City review process, which requires Architectural Review Board approval and issuance of an annual outdoor dining permit.

On August 15, 2011, a public hearing was held by the City's Plan Commission to consider these amendments to Chapter 405, *Zoning Regulations*, of the City's Land Use Code. The Plan Commission voted unanimously to recommend approval of this amendment as proposed to the Board of Aldermen.

The requested amendment to the Zoning Ordinance will revise the Zoning Regulations in Chapter 405.

The proposed amendments have an economic component and staff believes they will allow for a more diverse array of hospitality options within the City which are intended to benefit residents, businesses, visitors and the City's economic vitality.

In considering the most restrictive commercial zoning district (C-1), given the proposed limitations on beverage sales and square footage, staff believes the proposed wine bar land use will not be more intensive than similar uses which are already allowable in the same zoning districts by Conditional Use approval (specifically restaurants, catering establishments and grocery stores). The proposed use is seen as comparable and compatible with uses already permissible in the district. Staff also believes the limitations placed on the number of licenses per population, the size of the facility and type of beverage sales are intended to address any concerns that this use will resemble a typical tavern or bar which are not allowable uses in the City of Clayton.

Recommendation is to approve the text amendments to Chapter 405 of the City's Land Use Code as proposed.

Alderman Goodman commented that initially she wasn't sure about the change, but the proposal went through a good process and she felt that this would be a good addition to the community.

In response to the Board's questions, City Manager Owens stated that the Chamber of Commerce spoke in favor of the proposed addition and is very supportive. City Manager

Owens added that per the City's ordinance it allows for three wine bars, but they can address the limited number in a proposed (future) amended ordinance.

**Alderman Lichtenfeld moved that the Board close the public hearing with regard to Bill No. 6278, an ordinance to consider amendments to the Zoning Regulations (Chapter 405) to establish a definition for wine bar and to allow wine bars in certain commercial zoning districts by conditional use approval. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6278, an ordinance to consider amendments to the Zoning Regulations (Chapter 405) to establish a definition for wine bar and to allow wine bars in certain commercial zoning districts by conditional use approval to be considered for the first time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6278, an ordinance to consider amendments to the Zoning Regulations (Chapter 405) to establish a definition for wine bar and to allow wine bars in certain commercial zoning districts by conditional use approval for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6278, an ordinance to consider amendments to the Zoning Regulations (Chapter 405) to establish a definition for wine bar and to allow wine bars in certain commercial zoning districts by conditional use approval to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6278 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6159 of the City of Clayton.**

**AN ORDINANCE AMENDING CHAPTER 600 OF THE CODE OF ORDINANCES OF THE CITY OF CLAYTON TO PROVIDE FOR THE REGULATION AND LICENSURE OF WINE BARS**

City Manager Owens reported that this request is for the Board of Aldermen to consider amending Title VI. *Business and Occupation*, Chapter 600: *Alcoholic Beverages*, of the City's Code of Ordinances to add a new section to provide for the regulation and licensure of a limited class of alcoholic beverage sales to be known as "Wine Bars." This amendment, if adopted, will address business licensure, as opposed to land use, for Wine Bars (land use issues being addressed in a separate legislation).

The proposed amendment will allow no more than one wine bar license to be approved and issued by the City for each 6,000 residents or portion thereof as determined by the most recent decennial census. Under the current population figures set forth in the 2010 census, the total number of licenses that could be issued citywide is three. Furthermore, all wine bar licenses issued pursuant to this amendment shall be subject to the following restrictions:

1. The establishment shall not have a floor area greater than 1,500 gross square feet; and
2. The establishment shall not serve any alcoholic beverages except beer or wine; and
3. The sale of food consumed on the premises must constitute at least twenty percent (20%) of gross sales of the establishment.

Wine bars will be restricted to a limited class of alcoholic beverage sales (wine, beer and non-alcoholic drinks) and will be located in the City's commercial zoning districts.

The requested amendment to the Code of Ordinances will revise the Alcoholic Beverage regulations in Chapter 600.

The proposed amendments have an economic component and staff believes they will allow for a more diverse array of hospitality options within the City which are intended to benefit residents, businesses, visitors and the City's economic vitality.

The limitations placed on the number of licenses per population, the size of the facility and type of beverage sales are intended to address any concerns that this use will resemble a typical liquor bar which is not an allowable use in the City of Clayton.

Staff recommendation is to approve the text amendment to Chapter 600 of the Code of Ordinances as proposed.

**Alderman Lichtenfeld introduced Bill No. 6279, an ordinance amending Chapter 600 of the Code of Ordinances of the City of Clayton to provide for the regulation and licensure of wine bars to be considered for the first time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz read Bill No. 6279, an ordinance amending Chapter 600 of the Code of Ordinances of the City of Clayton to provide for the regulation and licensure of wine bars for the first time by title only.**

**The motion passed unanimously on a voice vote.**

In response to the Board's questions, Susan Istenes, Director of Planning stated that she believed that the statement that happy hours and bar service is prohibited could be a reference pulled from the State of Missouri statute.

City Manager Owens added that City Attorney O'Keefe drafted the amended ordinance, but unfortunately is currently out of town. He suggested that the Board could hold off on voting on the issue and get answers to their questions and then vote on the ordinance at its next meeting.

Alderman Garnholz stated that she prefers that the Board vote on the ordinance tonight and if necessary they could review and amend the ordinance later.

**Alderman Lichtenfeld introduced Bill No. 6279, an ordinance amending Chapter 600 of the Code of Ordinances of the City of Clayton to provide for the regulation and licensure of wine bars to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6279 for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6160 of the City of Clayton.**

**AN ORDINANCE TO CONSIDER APPROVING THE TAX YEAR 2011 PROPERTY TAX LEVY FOR FY 2012 BUDGET – SECOND READING**

City Manager Owens reported that as part of the budget adoption process, the Board of Aldermen held a public hearing on August 23, 2011, to seek public input regarding the proposed tax rates. The public hearing was closed and the Board approved the first reading of the ordinance setting the property tax levy for tax year 2011 as part of the Fiscal Year 2012 budget.

City Manager Owens pointed out that the Request for Board Action has been revised.

The actual filing deadline for the property tax rates with St. Louis County is October 1, 2011. Final assessed valuation after Board of Equalization action will not be available until after September 15, 2011. If the assessed valuation after the Board of Equalization is reduced significantly from the current dollar amount of \$877,213,718, we may request that the tax rates be amended at the September 27, 2011 Board of Aldermen meeting. If the assessed value goes down and the current tax rates recommended for approval are applied to that assessed value, the City will receive less dollars than anticipated within the approved budget for FY 2012.

The 2011 General Fund and debt property tax levy for FY 2012 is projected to raise \$6.538 million. This amount represents a .008% increase or \$50,814 more than the estimated property tax revenues received in FY 2011 for these categories. The projected tax rates will raise approximately \$5.845 million for the General Fund and approximately \$798,000 for the Debt Fund. While the revenues from the General Fund property tax rate can be used for any expenditure, the revenues from the debt levy tax rate can only be used to pay off general obligation bonds. The City currently has one outstanding general obligation bond with a principal balance of \$1.960 million and which will be paid off in FY 2013. The following rates have been levied or are proposed to be levied (all rates are per \$100 assessed valuation):

| <b>Tax Category</b> | <b>2008 Tax Rate</b> | <b>2009 Tax Rate</b> | <b>2010 Tax Rate</b> | <b>Proposed 2011 Tax Rate</b> | <b>Rate change from 2010 to 2011</b> |
|---------------------|----------------------|----------------------|----------------------|-------------------------------|--------------------------------------|
| Residential         | \$0.568              | \$0.582              | \$0.601              | \$0.626                       | \$0.023                              |
| Commercial          | \$0.636              | \$0.633              | \$0.673              | \$0.681                       | \$0.008                              |
| Personal            | \$0.707              | \$0.707              | \$0.707              | \$0.707                       | \$0.000                              |
| Debt Levy           | \$0.122              | \$0.091              | \$0.091              | \$0.091                       | \$0.000                              |

As you can see from the following chart, the proposed rates including the debt levy for 2011 (Fiscal Year 2012) increased for residential and commercial property, and the personal property rate stayed the same.

| <b>Property Category</b> | <b>2009 Total Tax Rate</b> | <b>2010 Total Tax Rate</b> | <b>2011 Total Tax Rate</b> | <b>Rate change</b> |
|--------------------------|----------------------------|----------------------------|----------------------------|--------------------|
| Residential              | \$0.673                    | \$0.692                    | .717                       | \$0.025            |
| Commercial               | \$0.724                    | \$0.764                    | .772                       | \$0.008            |
| Personal                 | \$0.798                    | \$0.798                    | .798                       | \$0.000            |

For a home that is valued at \$600,000, it is expected that the homeowner would pay approximately \$817 on property taxes for the City of Clayton portion only. Based on last year's rate, the same homeowner would have paid approximately \$793 - an increase of \$24.

We have not yet heard from the State Auditor's office regarding our preliminary rate computations – however, assuming that the updated computations we have made are correct, we will recommend a lower commercial rate than .803 – we will be recommending a commercial rate of .772 which will also result in lower tax revenue by \$105,160 than originally proposed. This rate reduction is required to stay within the roll-back limit calculation rate.

### **Special Business District**

The 2011 proposed tax rate is at the maximum allowable rate. The 2011 Special Business District tax levy for FY 2012 budget is projected to raise \$433,655 or \$16,890 more than the prior year. The following rates have been levied or are proposed to be levied (all rates are per \$100 assessed valuation):

| <b>Tax Category</b> | <b>2008<br/>Tax<br/>Rate</b> | <b>2009<br/>Tax<br/>Rate</b> | <b>2010 Tax<br/>Rate</b> | <b>Proposed<br/>2011 Tax<br/>Rate</b> | <b>Rate change<br/>from 2010 to<br/>2011</b> |
|---------------------|------------------------------|------------------------------|--------------------------|---------------------------------------|--|
| Residential         | \$0.074                      | \$0.070                      | \$0.108                  | \$0.110                               | \$0.002                                      |
| Commercial          | \$0.074                      | \$0.070                      | \$0.129                  | \$0.133                               | \$0.004                                      |

A commercial property, located in the Special Business District that is assessed at \$2.0 million would pay approximately \$851 in property taxes for the City of Clayton portion only. Based on last year's rate, the same commercial property would have paid approximately \$826 - an increase of \$25 (3%).

City Manager Owens noted that there could possibly be tax assessment protests that could require the Board to amend the ordinance later.

Recommendation is to approve the second reading of the ordinance as amended with the lower tax rates.

**Alderman Lichtenfeld moved to approve Bill No. 6272, an Ordinance Levying and establishing the rate of annual taxes for general municipal purposes; debt levy for general obligation bond purposes; and, special business district purposes to be collected by the City of Clayton, Missouri, for the year 2011 as amended to reflect the revised tax rate for commercial property at .681. Alderman Goodman seconded.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6272, an Ordinance Levying and establishing the rate of annual taxes for general municipal purposes; debt levy for general obligation bond purposes; and, special business district purposes to be collected by the City of Clayton, Missouri, for the year 2011 as amended to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6272 as amended, for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6161 of the City of Clayton.**

AN ORDINANCE TO HOLD A PUBLIC HEARING AND CONSIDERATION OF THE  
PROPOSED FISCAL YEAR 2012 OPERATING AND CAPITAL IMPROVEMENTS BUDGET  
(SECOND READING)

City Manager Owens reported that on July 8th, the Board of Aldermen received the City Manager's proposed Fiscal Year 2012 Operating and Capital Improvements Budget. Subsequent to that date, the Board extensively reviewed the proposed budget during public meetings on July 15, 2011 and August 8, 2011. The Board also held a public hearing on August 23, 2011, and approved the first reading of the ordinance to adopt the proposed Fiscal Year 2012 Operating and Capital Improvements Budget. The ordinance is presented for second reading this evening.

We believe that the proposed budget maintains the extraordinary level and proficiency of service that has been expected by our residents and traditionally provided by the City.

Recommendation is to hold a public hearing to receive citizens comments and then approve an ordinance (2<sup>nd</sup> reading) adopting the Fiscal Year 2012 Operating and Capital Improvements Budget.

**Alderman Lichtenfeld introduced Bill No. 6273, an ordinance adopting an annual budget for the Fiscal Year 2012 commencing on October 1, 2011 and appropriating funds pursuant thereto to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6273, for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6162 of the City of Clayton.**

Mayor Goldstein complimented Betty Luebke, Interim Director of Finance, on a great job and staff who worked hard on the budget preparation. She reminded the audience that the City held three public engagement sessions and they received excellent citizen input. She said that she is in support of approving the budget tonight, but also recommends that they look at the compensation plan during their strategic discussion session this week.

In response to Alderman Goodman's question, Mayor Goldstein clarified that budget amendments are done on a quarterly basis and if they determine an amendment is needed then they would do it during the quarterly schedule.

AN ORDINANCE TO APPROVE AN AMENDMENT TO SECTION 605.240 OF THE CITY  
CODE TO MAINTAIN AVAILABILITY OF CITY SERVICES

City Manager Owens reported that this is an ordinance to consider approving an amendment to repeal Section 605.240, Article III of Chapter 605 of the Code of Ordinances of the City of Clayton and add a new Section 605.240, Gas, Electricity, and Water Utilities.

The Public Service Commission of the State of Missouri recently notified the city that they have approved a rate increase for Ameren Missouri (Union Electric Company) per Section 393.275.2, RSMo. The statute requires that if a rate increase is granted which in turn increases a regulated utility's effective consumer rate by more than seven percent then local governments that impose a gross receipts tax on that utility must roll back their tax rates to produce the same dollar revenue as prior to the increase. However, the statute has an "opt out" provision that allows a local government to decline to roll back its tax rate by passing an ordinance to that effect:

*“...a city or county may maintain the tax rate of its business license tax on the gross receipts of utility corporations without reduction if an ordinance to maintain the tax rate is enacted by the governing body of the city or an order to maintain the tax rate is issued by the governing body of the county after September 28, 1985.”*

The proposed ordinance will permanently allow the city to “opt out” of the current and all future utility rate increases by declaring that the city will maintain its tax rate regardless of this or other future utility rate increases. The city’s code provision already has an “opt out” declaration with regard to a 1992 Laclede Gas rate hike. The amendment broadens that declaration to cover this and all future increases. Recommendation is to approve the amendment.

City Attorney Heinz pointed out a typographical error on page two of the ordinance and suggested striking the words *payable by* from the last paragraph because it is redundant.

**Alderman Lichtenfeld introduced Bill No. 6280, an ordinance to approve an amendment to Section 605.240 of the City Code to maintain availability of city services to be considered for the first time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6280, an ordinance to approve an amendment to Section 605.240 of the City Code to maintain availability of city services for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6280, an ordinance to approve an amendment to Section 605.240 of the City Code to maintain availability of city services to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6280, for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein – Aye. The Bill was adopted and became Ordinance No. 6163 of the City of Clayton.**

#### **AN ORDINANCE TO CONSIDER AMENDMENT TO EMPLOYMENT AGREEMENT FOR THE CITY MANAGER**

City Manager Owens summarized the report stating that on July 1, 2008, the Mayor and Board of Aldermen appointed him to serve as Clayton City Manager and approved an Employment Agreement with respect to terms and conditions of his employment.

The agreement called for annual evaluations of his performance by the Mayor and Board of Aldermen. In July 2009 the Mayor and Board conducted their evaluation and review and made certain compensation adjustments in accord with that process. In 2010, however, the review process was more informal and, in light of economic and fiscal circumstances then prevailing throughout the organization as a whole, no changes to the terms of his employment were pursued.

The Mayor and Board have now completed this year’s review of his performance and considered the current terms of his employment and terms enjoyed by other public managers in the area. The Mayor and Board concluded that certain adjustments to his overall terms of employment were warranted, certain of which adjustment require amendment to the original Employment Agreement. This proposed ordinance is intended to carry out those amendments.

The first amendment formalizes the City's past practice that periodic economic compensation adjustments can be made by the City without reopening the entire Employment Agreement through additional amendment processes.

The more substantial amendment deals with how the city manager's capital investments in his home are treated at the time of sale. The current agreement has a provision that capital investments made during the first year of occupancy are treated as an adjustment to the city manager's "basis" upon sale. Adjustment of a party's basis is a useful tax law principle which recognizes and allocates the value of capital expenditures to overall property value. This amendment essentially removes the one year limitation and allows the city manager to recognize his capital investments throughout his ownership of the property. It also adds an example to more fully demonstrate how the adjustment to basis is to be determined and allocated upon sale of the manager's residence.

**Alderman Lichtenfeld introduced Bill No. 6281, an ordinance to consider amendment to employment agreement for the city manager to be to be considered for the first time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz read Bill No. 6281, an ordinance to consider amendment to employment agreement for the city manager for the first time by title only.**

**The motion passed unanimously on a voice vote.**

**Alderman Lichtenfeld introduced Bill No. 6281, an ordinance to consider amendment to employment agreement for the city manager to be to be considered for the second time and read by title only. Alderman Goodman seconded.**

**City Attorney Heinz reads Bill No. 6281, for the second time; Alderman Lichtenfeld – Aye; Alderman Goodman – Aye; Alderman Harris – Aye; Alderman Maddox-Dallas – Aye; Alderman Garnholz – Aye; Alderman Winings – Aye; and Mayor Goldstein. The Bill was adopted and became Ordinance No. 6164 of the City of Clayton.**

**A MOTION TO APPROVE A LIQUOR LICENSE TO SELL 5%BEER AND NOT TO EXCEED 14% WINE AT RETAIL BY THE DRINK, INCLUDING SUNDAYS FOR MDCC PARTNERS, LLC, 6451 CLAYTON RD**

City Manager Owens reported that My Daddy's Cheesecake is requesting a liquor license to sell beer and wine by the drink, including Sundays, at 6451 Clayton Road. The application states that the restaurant concept will not change and will continue with an all-day dining menu. They also offer catering services for holiday parties, corporate meetings, etc. Beer and wine sales are expected to be less than 10% of total sales.

The Police Department has completed its review of the application and supports the issuance of the requested license.

The applicant has chosen not to submit a petition from surrounding property owners and first floor tenants. As a result, they are aware that this application must have a super majority vote of five Board members in order to be approved. Staff has requested that a representative be in attendance at the meeting.

Staff recommends passing a motion to approve the liquor license to sell beer and wine at retail by the drink, including on Sundays.

**Alderman Lichtenfeld moved to approve a liquor license for My Daddy's Cheesecake. Alderman Goodman seconded.**

In response to the Board's questions, Mr. Mike Schwarz, owner, addressed the Board stating that he bought the business one year ago as a franchise and that the Cape Girardeau restaurant added beer and wine about a year ago and he wanted to be able to offer the same at the Clayton location. He said that the hours will remain the same. He added that they will be adding a heavier dinner type meal to their menu and wanted to be able to offer alcohol.

**The motion passed unanimously on a voice vote.**

Other

Mayor Goldstein congratulated Alderman Maddox-Dallas in celebrating her 25 year wedding anniversary.

Mayor Goldstein commented that the Art Fair turned out great and thanked staff for their hard work in making it such a huge success.

Alderman Lichtenfeld commended the public works crew on a great clean up job after the Art Fair.

Alderman Maddox-Dallas thanked the Planning Department's staff on the housing issue in Ward 1.

Alderman Winings agreed with the comments about the Art Fair being such a great success.

Mayor Goldstein added that the Annual Old Town meeting was held and Aldermen Lichtenfeld and Winings also attended.

There being no further business, the meeting adjourned at 8:05 p.m.

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Mayor

ATTEST:

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City Clerk